

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MELINDA and MARK LOE,
et al.,

Plaintiffs,

v.

WILLIE JETT, *et al.*,

Defendants.

Civil No. 0:23-cv-01527-NEB-JFD

**PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

Under Federal Rule of Civil Procedure 56(a) and Local Rule of Civil Procedure 7.1, Plaintiffs move for summary judgment on Counts I-VI of their Complaint (ECF 1). They also move for summary judgment on each of Defendant Minnesota Department of Education's counterclaims (ECF 27, at 63-69).

Plaintiffs are religious schools and families that wish to continue participating in Minnesota's Postsecondary Enrollment Options (PSEO) program. The PSEO program allows high school students to simultaneously earn high school and college credit at public or private postsecondary schools for free. But on May 24, 2023, Minnesota amended the law governing PSEO to exclude religious institutions from

participating in the program if they require students to sign a statement of faith or give preference to students that share the institutions' faith. Minn. Stat. § 124D.09, Subd. 3(a). Plaintiffs Crown College and University of Northwestern – St. Paul are Christian higher education institutions that have faith-based admissions criteria and are ineligible to participate in the PSEO program under the amended law. Plaintiffs Melinda and Mark Loe and Dawn Erickson proceed on behalf of themselves and their children, who would like to participate in the PSEO program at Crown and Northwestern. Plaintiffs brought this suit alleging that the new law violates the U.S. and Minnesota Constitutions.

After Defendants agreed to a preliminary injunction allowing Crown and Northwestern to maintain their longstanding admissions practices, Defendant Minnesota Department of Education filed counterclaims against Crown and Northwestern. These counterclaims allege that the schools' religious admission requirements violate the Constitutions of the United States and Minnesota, and the Minnesota Human Rights Act.

Plaintiffs respectfully request that the Court enter an order granting partial summary judgment in Plaintiffs' favor; declare that the May 24, 2023 amendment violates the First Amendment of the U.S. Constitution; permanently enjoin Defendants from enforcing any provision of that amendment; grant attorneys' fees and other relief to

Plaintiffs as the Court deems just and proper; and grant Plaintiffs summary judgment on Defendant's counterclaims in their entirety.

Pursuant to Local Rule of Civil Procedure 7.1(c)(1), Plaintiffs hereby file this motion along with a notice of hearing, a memorandum of law, and a proposed order.

Respectfully submitted this 3rd day of September, 2024.

/s/ Eric S. Baxter

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